



**MEMORANDUM OF UNDERSTANDING
FOR COUNTERDRUG OPERATIONS
BETWEEN
THE FEDERAL AVIATION ADMINISTRATION
THE CIVIL AIR PATROL, AND
THE CIVIL AIR PATROL-UNITED STATES AIR FORCE**

15 May 1997

A. PURPOSE

This Memorandum of Understanding (MOU) by and between the Civil Air Patrol (Inc.) hereafter (CAP) and the Federal Aviation Administration, Office of Civil Aviation Security hereafter (FAA) establishes policies and procedures for CAP to provide reconnaissance assistance to FAA's counterdrug operations.

B. BACKGROUND

1. The FAA Office of Civil Aviation Security is responsible for enforcement actions against aircraft owners and operators for violations of the FAA Drug Enforcement Act of 1988.

2. Congress has specifically authorized CAP to assist federal agencies in the war on drugs. All CAP counterdrug activities are performed under Air Force Assigned Mission authorization.

3. Within that authorization, CAP, with its aircraft and trained volunteer aircrews, conducts counterdrug activities with several federal agencies and the U.S. Air Force. In furthering its Congressional counterdrug responsibilities, the FAA may use the services of the CAP in a program titled "Operation Drop-In," as well as in other counterdrug opportunities.

C. OPERATIONS

1. CAP agrees to support "Operation Drop-In" by furnishing CAP aircraft, volunteer aircrews, and ground teams to conduct random airport reconnaissance missions and ramp checks of aircraft as requested by FAA. CAP personnel will not engage in law enforcement activities including arrests and seizures of evidence. All CAP missions will be performed under CAP directives and in particular under CAPR 60-1 and CAPR 55-1.

2. In order to provide flexibility and efficiency of operations, the Director, Office of Civil Aviation Security Operations, ACO-1; HQ CAP Counterdrug Operations Office; and HQ CAP-USA/XO shall prepare an operational annex to this MOU spelling out standard operating procedures. These parties are authorized to compile, execute and modify this annex from time to time and in keeping with the terms of this MOU.

3. HQ CAP/DOC will furnish blocks of Air Force assigned mission numbers to FAA officials for exclusive use of CAP for FAA counterdrug operational support. FAA will use these mission numbers to employ CAP on these missions.

4. These missions will be funded by CAP from Congressional appropriations earmarked for CAP counterdrug operations. CAP shall submit claims for reimbursement through CAP/Air Force channels which will be limited to those items authorized by Congress and CAP directives including fuel, oil, maintenance, administrative expenses, and per diem when required to perform the mission.

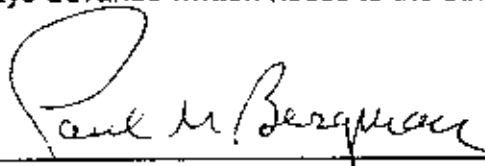
5. FAA will provide necessary briefing and training for CAP personnel to perform these missions. CAP agrees to provide reports on all missions as requested by FAA.

6. CAP performs these missions under Air Force mission authorization and as an instrumentality of the United States. On such missions, CAP and its members are covered by the Federal Tort Claims Act with CAP senior members eligible for Federal Employees Compensation Act (FECA) benefits. Administrative tort claims generated by these missions will be handled by FAA.

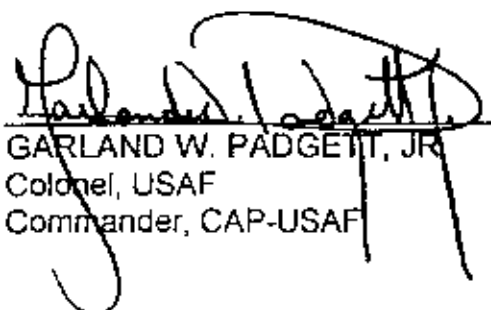
7. All media and public affairs releases on CAP's participation in Operation Drop-In must be approved in advance by FAA. However, CAP reserves the right to include generic reports on its operations to the media and to Congress. In no event will any information be released or used by CAP which would compromise an ongoing criminal investigation.

D. AMENDMENTS AND TERMINATION

This MOU shall remain valid for a period of three years and may be amended from time to time by agreement of the parties. The MOU may at the option of any party be canceled on sixty days advance written notice to the other parties.


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Brigadier General, CAP
National Commander


CATHAL L. FLYNN
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GARLAND W. PADGETT, JR.
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**OPERATIONAL PROCEDURES FOR
MEMORANDUM OF UNDERSTANDING
FOR COUNTERDRUG OPERATIONS
BETWEEN
THE FEDERAL AVIATION ADMINISTRATION
THE CIVIL AIR PATROL AND
CIVIL AIR PATROL-UNITED STATES AIR FORCE
(*Operation Drop-In*)
8 March 1997**

1. Training, Qualification, and Clearance.

a. To enter training for this program, CAP members must possess a current CAPF 101CN. When FAA Drug Investigations Support Program (DISP) training is completed, the CAP member's CAPF 101CN will be stamped by the FAA. The CAP member is then ready to participate in the program.

b. The Director, Office of Civil Aviation Security Operations, ACO-1, will provide/arrange specialized training for CAP members at mutually agreed upon times and places.

c. CAP personnel shall comply with all requirements for program participation and execution set forth by the FAA.

2. Procedures for issuing Air Force mission numbers to CAP. HQ CAP/DOC will coordinate with HQ CAP-USAF/XO to issue mission numbers to the FAA. The FAA will issue one mission number to the CAP Wing Counterdrug Officer for each tasking of a CAP wing for counterdrug support. These mission numbers constitute authorization to execute the requested mission and receive reimbursement in accordance with CAPR 173-3 from funds established by Congress for CAP counterdrug support operations.

3. Mission Tasking.

a. Command of CAP forces is retained at all times with the appropriate Wing Commander.

b. CAP will normally be used to survey aircraft at aviation facilities. This use includes necessary travel to authorized destinations and other missions as required to gather intelligence data and perform reconnaissance.

c. For CAP to engage in this mission, a request will be made to the appropriate Wing Counterdrug Officer by the Regional FAA DISP Manager/Supervisor, Civil Aviation Security Division, or his approved manager/supervisor representative.

d. FAA may coordinate directly with CAP personnel who are identified as primary support for the operation. The Wing Counterdrug Officer will provide the point of contact when additional coordination is required or requested.

e. HQ CAP/DOC will provide the FAA Headquarters DISP a list of authorized CAP Wing Counterdrug Officers and their phone numbers.

f. While supporting this agreement, CAP personnel may:

(1) Support the Drop-In Program under the direction of FAA Security personnel

(2) Document aircraft surveys and aircraft reconnaissance.

(3) Make photographic and audio records of ramp surveys.

(4) Assist in the establishment of similar programs in other states.

(5) With appropriate FAA Security clearance, be authorized access to classified materials on a "need-to-know" basis.

(6) When authorized, operate FAA Security secure communications equipment.

(7) While performing under an authorized mission number, operate U.S. Government vehicles, to include owned, leased, and privately owned vehicles, as approved.

(8) Provide information briefings to visitors or groups as necessary.

(9) Conduct liaison with law enforcement agencies, training centers, and related organizations.

(10) Develop and perform training assistance visits to organizations requesting classes on aviation-related regulatory and criminal topics.

4. Briefing CAP Aircrews. FAA will provide a pre-mission briefing to each aircrew for each support mission. The briefing should include mission chain of command, communications channels, operational limitations, intelligence, security, safety, and debriefing.

5. Limitations:

a. CAP personnel will not conduct law enforcement duties such as arrests, seizures, or detention nor be involved in this type of operation.

b. CAP members will not be armed.

c. The missions are subject to Posse Comitatus restrictions.

d. CAP may engage in the reconnaissance of property but may not engage in surveillance of persons.

6. CAP Recording and Reporting Procedures.

a. CAP will utilize its normal chain of command when supporting FAA counterdrug operations. The DISP Manager/Supervisor, Civil Aviation Security Division will coordinate with the CAP Wing Counterdrug Officer when employing CAP on a mission.

b. CAP or CAP members will not maintain information gathered during Drop-In operations to include written documents prepared by CAP personnel.

c. CAP Wing Counterdrug Officers or designee and HQ CAP/DOC will obtain quarterly reports from the FAA on CAP counterdrug support activity and results (as they become available).

7. Operational Security/Public Affairs

a. Counterdrug support can generate media interest, and though it is important to keep the public informed, safety and security concerns dictate restraint in publicizing CAP participation in counterdrug support operations. A fine line exists between the right of the public to know and the need for operational security. FAA will classify the operation and make public information/news/media releases. CAP will follow the security guidelines published for the operation by FAA. As necessary, CAP Public Affairs Officers will work in direct coordination with FAA Public Affairs personnel. Participating CAP personnel or specific units will not be identified by name, address, or photograph, unless cleared by the CAP Wing Commander.

b. Requests for information under the Freedom of Information Act (FOIA) will be referred to the FAA. As a matter of policy, CAP support plans, information provided to, or gained by, the CAP will not be released to the public/non-DOD sources unless specifically authorized by FAA Security.

c. The role of the CAP in drug investigation and law enforcement operations is one of support. Generally, CAP personnel are not trained in law enforcement and should not be placed in situations which could bring them in direct contact with suspects.

d. CAP personnel will not release operations information, such as individuals, names, specific locations, or dates and times in reference to current or future operations, unless specifically authorized by HQ CAP/DOC and FAA.

e. FAA Security will:


(1) When appropriate, provide FAA identification to authorized CAP members for access to facilities under the control of the FAA. When necessary for the execution of operational activities, FAA Security will facilitate the issuance of identification to CAP personnel to permit authorized access to controlled airport areas.

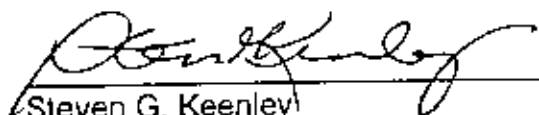
(2) Provide CAP access to FAA personnel who serve as points of contact for FAA Security with El Paso Intelligence Center (EPIC).


f. CAP commanders will ensure that pre-operation liaison coordination and planning with FAA security addresses the safety of CAP personnel and property.

8. Safety. All or any part of this mission may be suspended by any participant in the interests of safety. The operation of aircraft constitutes a significant potential hazard. Pilots are responsible for their aircraft and the lives of their passengers and crew. The pilot will ensure that authorized passengers are instructed in the principles of aircraft passenger safety. Participating ground crews must remain aware of the potential dangers involved in airport ramp operations.

9. FAA Loan of Equipment. From time to time, FAA may make equipment available to CAP as needed to complete this mission.


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HQ CAP/DOC


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